

JEREMY BOYD EAKER,)
)
Plaintiff,)
)
v.) No. 1:12-cv-29
) *Chief Judge Curtis L. Collier*
)
HAMILTON COUNTY SHERIFF)
DEPUTY EZRA HARRIS, In his)
Official and Individual Capacities,)
)
Defendant.)

Jeremy Boyd Eaker (“Plaintiff”), a *pro se* prisoner, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (Court File No. 2). On August 8, 2012, the Court issued a show cause order directing Plaintiff to show cause within ten (10) days from the date of the order why the case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) since process had not been served on the defendant (Court File No. 5).

Plaintiff has not responded to the Court's August 8, 2012, Order. Consequently, the Court will dismiss Plaintiff's complaint for noncompliance with its Order and failure to prosecute.

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order. This authority is based on the Court’s inherent authority to control its docket and prevent undue delays in the disposition of pending cases. *Roadway Exp., Inc. v. Piper*, 447 U.S. 752, 765 (1980) (““The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because of his failure to prosecute cannot seriously be doubted. The power to invoke this sanction is necessary in

order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the District Courts.’’’) (quoting *Link v. Wabash R. Co.*, 370 U.S. 626, 632 (1962)).

Therefore, this action will be **DISMISSED** for Plaintiff’s failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

A judgment will enter.

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE